

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SENECA SMITH,

Plaintiff,

vs.

AUTOZONE, INC., and DOES 1-100,

Defendants.

Case No.: 12-cv-06438-YGR

**ORDER CONFIRMING RULINGS DURING
HEARING ON JANUARY 14, 2014**

On January 14, 2014, the Court held a previously scheduled evidentiary hearing on Defendant's Motion to Enforce Settlement Agreement. Personal appearances of all parties was required. Chris Baker appeared on behalf of Defendant. Plaintiff failed to appear. Plaintiff's former lawyers, Bianca Saad and Lawrance Bohm appeared as witnesses only. After a lengthy hearing, this case was **DISMISSED WITH PREJUDICE** for failure to prosecute and for failure to comply with multiple court orders. The Court hereby provides this Order to confirm the dismissal of this case and its rulings on Defendant's motions.


As reflected in the record, Plaintiff was warned several times that his noncompliance with orders of this Court could affect future proceedings in this case and could result in dismissal. (*See* Dkt. Nos. 21, 30, 37, 39.) Nonetheless, on multiple occasions, Plaintiff failed to comply with this Court's orders and prosecute this action. Plaintiff was ordered to respond to Defendant's written discovery requests. (Dkt. No. 21.) He did not do so. Plaintiff was ordered to appear for his deposition. *Id.* He did not do so. Plaintiff was ordered by this Court to appear for two hearings, including the evidentiary hearing on January 14, 2014 for which Plaintiff was required to provide testimony. (Dkt. Nos. 30, 39.) Plaintiff failed to appear for both hearings.

At the hearing on January 14, 2014, for the reasons discussed above and articulated on the record, the Court **DISMISSED** this case with prejudice for failure to prosecute and for failure to comply with numerous court orders.

Defendant's Motion for Summary Judgment is therefore **MOOT**. For the reasons articulated on the record, Defendant's Motion to Enforce Settlement Agreement is **DENIED**.

IT IS SO ORDERED.

Dated: January 15, 2014


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE